

## 2005 SENATE BILL 347

1     **AN ACT** *to amend* 71.07 (6e) (a) 1. and 71.07 (6e) (a) 5.; and *to create* 71.07 (6e)  
2             (a) 1m. and 71.07 (6e) (c) 3. of the statutes; **relating to:** expanding eligibility  
3             for the veterans and surviving spouses property tax credit.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4             **SECTION 1.** 71.07 (6e) (a) 1. of the statutes, as created by 2005 Wisconsin Act  
5             25, is amended to read:

6             71.07 **(6e)** (a) 1. “Claimant” means an eligible unremarried surviving spouse  
7             or, an eligible veteran, or an eligible spouse who files a claim under this subsection.

8             **SECTION 2.** 71.07 (6e) (a) 1m. of the statutes is created to read:

9             71.07 **(6e)** (a) 1m. “Eligible spouse” means the spouse of an eligible veteran who  
10            files a separate return.

**SENATE BILL 347****SECTION 3**

1           **SECTION 3.** 71.07 (6e) (a) 5. of the statutes, as created by 2005 Wisconsin Act  
2 25, is amended to read:

3           71.07 **(6e)** (a) 5. “Property taxes” means real and personal property taxes,  
4 exclusive of special assessments, delinquent interest, and charges for service, paid  
5 by a claimant, and the claimant’s spouse if filing a joint return, on the claimant’s  
6 eligible veteran’s or unremarried surviving spouse’s principal dwelling in this state  
7 during the taxable year for which credit under this subsection is claimed, less any  
8 property taxes paid which are properly includable as a trade or business expense  
9 under section 162 of the Internal Revenue Code. If the principal dwelling on which  
10 the taxes were paid is owned by 2 or more persons or entities as joint tenants or  
11 tenants in common or is owned by spouses as marital property, “property taxes” is  
12 that part of property taxes paid that reflects the ownership percentage of the  
13 claimant, except that this limitation does not apply to spouses who file a joint return.  
14 If the principal dwelling is sold during the taxable year, the “property taxes” for the  
15 seller and buyer shall be the amount of the tax prorated to each in the closing  
16 agreement pertaining to the sale or, if not so provided for in the closing agreement,  
17 the tax shall be prorated between the seller and buyer in proportion to months of  
18 their respective ownership. “Property taxes” includes monthly parking permit fees  
19 in respect to a principal dwelling collected under s. 66.0435 (3) (c).

20           **SECTION 4.** 71.07 (6e) (c) 3. of the statutes is created to read:

21           71.07 **(6e)** (c) 3. If an eligible veteran and an eligible spouse file separate  
22 returns, each spouse may claim a credit under this subsection based on their  
23 respective ownership interest in the eligible veteran’s principal dwelling.

24           **SECTION 5. Nonstatutory provisions.**

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1 (1) EXEMPTION FROM CERTAIN LEGISLATIVE RULES OF PROCEEDINGS. Section 20.003  
2 (4) of the statutes does not apply to the actions of the legislature in enacting this act.

### 3 SECTION 6. Initial applicability.

4 (1) This act first applies to taxable years beginning on January 1, 2005.

5 (END)